

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

FLUORESCENT DYE BINDING PEPTIDES

the specification of which

(Check one) ☐ is attached hereto

☒ was filed on 10/15/99 as

Application Serial No. 09/419,381

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/104,465</u>	<u>October 16, 1998</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

exclusion if there is now or hereafter such an Assignee:

Harold C. Hohbach	17,757	Steven F. Caserza	29,780
Aldo J. Test	18,048	Laura L. Kulhanjian	33,257
Thomas O. Herbert	18,612	Michael A. Kaufman	32,988
Donald N. MacIntosh	20,316	Janet E. Muller	35,294
Edward S. Wright	24,903	Edward N. Bachand	37,085
David J. Brezner	24,774	R. Michael Ananian	35,050
Richard E. Backus	22,701	Stephen M. Knauer	38,208
James A. Sheridan	25,435	Robin M. Silva	38,304
Robert B. Chickering	24,286	David C. Ashby	36,432
Richard F. Trecartin	31,801	Julian Caplan	14,785

attorneys and agents with full power of substitution and revocation to prosecute the above-identified application for Letters Patent and to transact all business in the Patent Office connected therewith, provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated. .

Direct all telephone calls to David J. Brezner at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

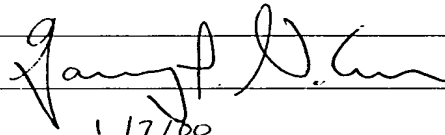
File No. A-65681-1/DJB/DSS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

Garry P. Nolan

Inventor's signature:



Date:

1/17/00

Residence:

Palo Alto, California

Citizenship:

US

Post Office Address:

784 Alester Ave.,  
Palo Alto, California 94303

Full name of second joint  
inventor, if any:

Michael N. Rozinov

Inventor's signature:

Date:

Residence:

Palo Alto, California

Citizenship:

US

Post Office Address:

3875 Park Blvd., Apt. B14  
Palo Alto, CA 94306

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

I hereby appoint, for the benefit of and as agent for the Assignee of this application and to my exclusion if there is now or hereafter such an Assignee:

Harold C. Hohbach	17,757	Steven F. Caserza	29,780
Aldo J. Test	18,048	Laura L. Kulhanjian	33,257
Thomas O. Herbert	18,612	Michael A. Kaufman	32,988
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Robert B. Chickering	24,286	David C. Ashby	36,432
Richard F. Trecartin	31,801	Julian Caplan	14,785

attorneys and agents with full power of substitution and revocation to prosecute the above-identified application for Letters Patent and to transact all business in the Patent Office connected therewith, provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated. .

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Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

File No. A-65681-1/DJB/DSS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

Garry P. Nolan

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Palo Alto, California

US

784 Alester Ave.,  
Palo Alto, California 94303

Full name of second joint  
inventor, if any:

Michael N. Rozinov

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Palo Alto, California

US

3875 Park Blvd., Apt. B14  
Palo Alto, CA 94306

The undersigned assignee of the entire interest in application for letters patent entitled:

FLUORESCENT DYE BINDING PEPTIDES

and having the named inventors: Garry P. Nolan, Michael N. Rozinov,,

and described in

☐ the specification filed  
☒ application serial no. 09/419,381 filed 10/15/99  
☐ patent no. \_\_\_\_\_ issued \_\_\_\_\_

hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 C.F.R. 1.32:

Harold C. Hohbach	17,757	James A. Sheridan	25,435	Edward N. Bachand	37,085
Aldo J. Test	18,048	Robert B. Chickering	24,286	R. Michael Ananian	35,050
Thomas O. Herbert	18,612	Richard F. Trecartin	31,801	Stephen M. Knauer	38,208
Donald N. MacIntosh	20,316	Steven F. Caserza	29,780	Robin M. Silva	38,304
Edward S. Wright	24,903	Laura L. Kulhanjian	33,257	David C. Ashby	36,432
David J. Brezner	24,774	Michael A. Kaufman	32,988	Julian Caplan	14,785
Richard E. Backus	22,701	Janet E. Muller	35,294	Dolly A. Vance	39,054

provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

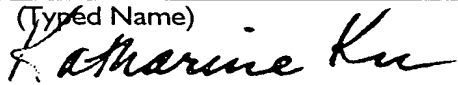
In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Direct all telephone calls to David J. Brezner at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

Assignee: The Board of Trustees of the Leland Stanford Junior University

By: Katharine Ku  
(Typed Name)  
Signature:   
Title: Director, Technology Licensing  
Address: 900 Welch Road, Suite 350  
Palo Alto, CA 94304

Date

File No. A-65681-1/DJB/DSS(S97-197)



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 20, 2000

PTAS



\*101331148A\*

FLEHR HOHBACH TEST ET AL  
ROBIN M. SILVA  
4 EMBARCADERO CENTER  
SUITE 3400  
SAN FRANCISCO, CA 94111

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/28/2000

REEL/FRAME: 010708/0897  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
NOLAN, GARRY P.

DOC DATE: 03/09/2000 ✓

ASSIGNOR:  
ROZINOV, MICHAEL N.

DOC DATE: 03/09/2000 ✓

ASSIGNEE:  
BOARD OF TRUSTEES OF THE LELAND  
STANFORD JUNIOR UNIVERSITY, THE  
900 WELCH ROAD  
SUITE 350  
PALO ALTO, CALIFORNIA 94304

SERIAL NUMBER: 09419381  
PATENT NUMBER:

FILING DATE: 10/15/1999  
ISSUE DATE:

010708/0897 PAGE 2

PEARLENE FOSTER, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A  
Expires 06/30/99  
OMB 0651-0027

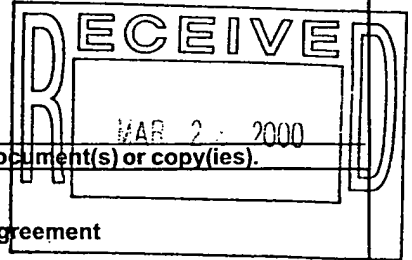
04-24-2000

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT**



101331148

**RECORDATION FORM COVER SHEET  
PATENTS ONLY**



TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

**Submission Type**

- ☒ New
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**Conveyance Type**

- ☒ Assignment ☐ Security Agreement
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Name (line 1)

Execution Date  
Month Day Year

Name (line 2)

**Second Party**

Name (line 1)

Execution Date  
Month Day Year

Name (line 2)

**Receiving Party**

☐ Mark if additional names of receiving parties attached

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☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

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Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

**Correspondent Name and Address**

Area Code and Telephone Number **415 781 1989**

Name **Robin M. Silva**

Address (line 1) **Flehr Hohbach Test Albritton & Herbert**

Address (line 2) **4 Embarcadero Center, Suite 3400**

Address (line 3) **San Francisco, CA 94111**

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

# **3**

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

**09/419,381**

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

**Patent Cooperation Treaty (PCT)**

Enter PCT application number  
only if a U.S. Application Number  
has not been assigned.

PCT

PCT

**Number of Properties**

Enter the total number of properties involved.

# **1**

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$

**40**

Method of Payment:  
Deposit Account

Enclosed ☒ Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# **06-1300 (A65681-1) RMS**

Authorization to charge additional fees:

Yes ☒ No ☐

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

**Robin M. Silva**  
Reg. No. **38,304**

Name of Person Signing

**David J. Boyer**  
Signature  
Reg No **24774**

**March 23, 2000**

Date



## ASSIGNMENT

WHEREAS, Garry P. Nolan of Palo Alto, San Mateo County, California; and Michael N. Rozinov of Palo Alto, San Mateo County, California; hereinafter termed "Inventors," have invented new and useful improvements in FLUORESCENT DYE BINDING PEPTIDES and have made application for a U.S. Patent disclosing and identifying the invention, which application was filed October 15, 1999 under Serial No. 09/419,381; which application claims priority to Provisional Application Serial No. 60/104,465 filed October 16, 1998 under the title of FLUORESCENT DYE BINDING PEPTIDES; and

WHEREAS, THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY, a body having corporate powers under the laws of the State of California, and having its principal place of business at 900 Welch Road, Suite 350, Palo Alto, California 94304 (hereinafter termed "Assignee,") is desirous of acquiring the entire right, title and interest in and to said applications and said invention and improvements thereon, and in and to Letters Patent thereon when granted in the United States and foreign countries; and

WHEREAS, Inventors and Assignee have executed an agreement entitled "Agreement Concerning Rights in Invention."

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and for other good and valuable consideration received by said Inventors from said Assignee, receipt of which is hereby acknowledged by said Inventors;

1. Said Inventors have sold, assigned, transferred and set over, and do hereby sell, assign, transfer and set over unto said Assignee, all their right, title and interest in, to and under said invention, and in, to and under the applications for Letters Patent of the United States therefor executed as aforesaid, and in, to and under any Letters Patent which may be issued for said invention in the United States and in any foreign country including the right to claim priority in all foreign countries including each and every

Letters Patent granted on any application which is a division, substitution or continuation of said applications specifically identified herein, and in and to each and every reissue or extension of said Letters Patent; said interest hereby assigned to be held and enjoyed by said Assignee as fully as the same would have been held and enjoyed by said Assignee as fully as the same would have been held and enjoyed by said Inventors had this assignment and sale not been made.

2. Said Inventors hereby covenant and agree to cooperate with said Assignee whereby said Assignee may enjoy to the fullest extent the right, title and interest herein conveyed. Such cooperation shall include (a) prompt execution of all papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee to perfect in it the right, title and interest herein conveyed; (b) prompt execution of all petitions, oaths, specifications, declarations or other papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee for prosecuting said applications specifically identified herein, for filing and prosecuting substitute, divisional, continuing or additional applications in the United States and/or foreign countries covering said invention and/or improvements, for filing and prosecuting applications for reissuance of Letters Patent included herein, or for interferences (i.e. priority) proceedings involving said invention and/or improvements; and (c) prompt assistance and cooperation in the prosecution of legal proceedings involving said invention and/or improvements, said applications and patents granted thereon, including oppositions, cancellation proceedings, priority contests, public use proceedings and court actions; provided, however, that the expense which may be incurred by said inventors in lending such assistance and cooperation be paid by Assignee.

3. The terms, covenants and conditions of this assignment shall inure to the benefit of said Assignee, its successors, assigns, and/or other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. The terms, covenants and conditions of this agreement are subject to the payment of royalty by Assignee to Inventors in accordance with the provisions of said Agreement Concerning Rights in Invention referred to above.

5. Said Inventors do hereby warrant and represent that they have not entered into any assignment, contract or understanding in conflict herewith.

IN WITNESS WHEREOF, said Inventors have executed and delivered this instrument on the date below written.

Dated: 3/9/00

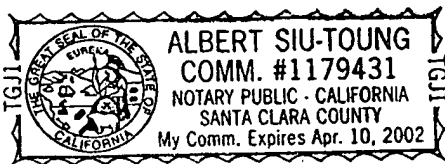
Garry P. Nolan  
Garry P. Nolan

State of California  
County of Santa Clara

] SS.

On MARCH 9TH 2000, before me, ALBERT SIU-TOUNG, Notary Public, personally appeared Garry P. Nolan, ~~personally known to me~~ (or proved to me on the basis of evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public

Dated: 3/9/00

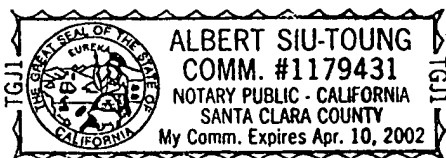
Michael N. Rozinov  
Michael N. Rozinov

State of California  
County of Santa Clara

] SS.

On MARCH 9TH 2000, before me, ALBERT SIU-TOUNG, Notary Public, personally appeared Michael N. Rozinov, ~~personally known to me~~ (or proved to me on the basis of evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/~~she~~ executed the same in his/~~her~~ authorized capacity, and that by his/~~her~~ signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Notary Public